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15 *Attorneys for Defendant,*

16 *99 CENTS ONLY STORES LLC*

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 CHERYL D. WESLEY, an Individual,

14 Plaintiff,

15 v.

16 99 CENTS ONLY STORES LLC, a Foreign  
17 Limited-Liability Company; ROE  
18 MAINTENANCE COMPANIES 1-10; ROE  
19 CLEANING COMPANIES 1-10; DOE  
20 INDIVIDUALS 1-10; DOE EMPLOYEES 1-  
21 10; and ROE BUSINESS ENTITIES 1-20,  
inclusive,

22 Defendants.

CASE NO.: 2:20-cv-1574-JCM-BNW

**STIPULATION AND ORDER FOR**  
**EXTENSION/MODIFICATION OF**  
**DISCOVERY PLAN AND**  
**SCHEDULING ORDER**  
**(FIFTH REQUEST)**

23 Plaintiff, CHERYL D. WESLEY, and Defendant, 99 CENTS STORE ONLY, LLC, by and through  
24 their undersigned counsel, submit to the Court the following Stipulation and Order for  
25 Extension/Modification of the Discovery Plan and Scheduling Order (Document #25) pursuant to LR 26-3.

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1 **I. Local Rule 6-1**

2 Under LR IA 6-1(a) every motion to extend time must inform the court of any previous extensions  
3 granted and state the reason for the extension requested.  
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5 **A. The Requirement of Local Rule 26-3 Is Satisfied**

6 This is the fifth request for extension filed by the parties. Local Rule 26-3 requires that extensions  
7 must be received by the court no later than 21 days prior to any deadline. The current discovery deadline is  
8 January 3, 2022. Therefore, the parties are requesting this extension no later than than 21 days prior to the  
9 expiration of the deadline.  
10

11 **II. Local Rule 26-3(a)**

12 Under LR 26-3(a) a statement specifying the Discovery completed:

13 Both Plaintiff and Defendant have exchanged their initial documents and witness disclosures.  
14 Defendant served their initial disclosures on September 18, 2020. Plaintiff served her initial disclosures on  
15 September 18, 2020.  
16

17 Defendant served discovery requests upon Plaintiff on September 18, 2020 in the form of Request  
18 for Admissions, Request for Production of Documents, and Interrogatories. Plaintiff's responses to  
19 Defendant's written discovery were received on October 19, 2020.  
20

21 The deposition of Plaintiff Wesley was completed on November 16, 2020.

22 Defendant has issued requests for Plaintiff Wesley's medical records from the medical providers.

23 Defendant responded to Plaintiff's Requests for Production of Documents on November 13, 2020.

24 Defendant supplemented its rule 26.1 disclosures fourteen times.

25 Defendant has provided records to its experts.

26 Plaintiff has supplemented her rule 26.1 disclosure three times.  
27

28 The deposition of Defendant's rule 30(b)(6) witness was completed on April 2, 2021.

1 The parties have made initial and rebuttal expert disclosures.

2 **III. Local Rule 26-3(b)**

3 Under LR 26-3(b) a specific description of the Discovery that remains to be completed:

4 Plaintiff's treating provider Dr. John DiMuro and expert John Peterson.

5 **IV. Local Rule 26-3(c)**

6 Under LR 26-3(c) the reasons why Discovery remaining was not completed within the time limits  
7 set by the Discovery Plan:

8  
9 The parties request an additional 30 days to take the depositions of Plaintiff's treating  
10 physician/expert Dr. John Dimuro and liability expert John Peterson. Although the parties have attempted  
11 to schedule both depositions prior to the current discovery cut off date of January 3, 2022, the parties have  
12 been unable to do so. Because of the holiday season, and the availability of counsel and the witnesses, the  
13 parties cannot conduct these two depositions prior to January 3, 2022. However, with a 30 day continuance  
14 of the discovery cut off date, the parties anticipate being able to complete all discovery in this case. The  
15 parties are not seeking to continue the expert disclosure deadline or the rebuttal expert disclosure deadline.

16 **V. Local Rule 26-3(d)**

17 The parties agree and jointly request an extension of 30 days for the discovery deadlines Under LR  
18 26-3(d) a proposed schedule for completing all remains Discovery:

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(i) Discovery cutoff dates: Extend the current Discovery cutoff date from January 3, 2022 to the new date of **February 2, 2022**;

(ii) Expert witness disclosures: **closed**;

(iii) Rebuttal expert witness disclosures: **closed**;

(iv) Submittal of Dispositive Motions: **March 4, 2022**; and

(v) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed): **April 4, 2022**

Therefore, good cause existing, counsel jointly request that this Honorable Court allow the above proposed extended Discovery dates.

DATED this 8<sup>th</sup> day of December, 2021.

**MAINOR WIRTH, LLP**

By: /s/ Breanna K. Hartmann, Esq.

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DATED this 8<sup>th</sup> day of December, 2021.

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**ORDER**

IT IS ORDERED that ECF No. 25 is GRANTED. However, the Court does not intend to grant any additional extensions. The parties are directed to complete discovery in this extended period.

IT IS SO ORDERED

DATED: 1:09 pm, December 09, 2021



BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE